

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO SENTENCING MINUTE SHEET											
CR No:	13-3140 JH			USA vs.:	Moreno-Rubio						
Date:	January 27, 2015			Name of Deft:	Lehabim Ulises Moreno-Rubio						
Before the Honorable:				Judith C. Herrera							
Time In/Out:	10:21 a.m. – 10:45 am.			Total Time in Court (for JS10):	24 minutes						
Clerk:	I.Duran			Court Reporter:	P.Baca						
AUSA:	David Walsh			Defendant's Counsel:	John F. Robbenhaar						
Sentencing in:	Albuquerque, NM			Interpreter:	Leticia Medina						
Probation Officer:	Sandra Day			Sworn?			Yes				No
Convicted on:	X	Plea		Verdict			As to:	X	Information		Indictment
If Plea:	X	Accepted		Not Accepted			Adjudged/Found Guilty on Counts:				
If Plea Agreement:	X	Accepted		Not Accepted			No Plea Agreement	Comments:			
Date of Plea/Verdict:	9/9/14			PSR:			X	Not Disputed		Disputed	
PSR:	X	Court Adopts PSR Findings					Evidentiary Hearing:	X	Not Needed		Needed
Exceptions to PSR:											
<b>SENTENCE IMPOSED</b>				Imprisonment (BOP): 30 months							
Supervised Release:	None pursuant to 5D1.1 (c )			Probation:				500-Hour Drug Program			
X	Court recommends ICE begin removal proceedings immediately or during service of sentence							ICE not applicable			
<b>SEPCIAL CONDITIONS OF SUPERVISION</b>											
	No re-entry without legal authorization				Home confinement for ____ months ____ days						
	Comply with ICE laws and regulation				Community service for ____ months ____ days						
	Participate in/successfully complete subst abuse program/testing				Reside halfway house ____ months ____ days						
	Participate in/successfully complete mental health program				Register as sex offender						
	Refrain from use/possession of alcohol/intoxicants				Participate in sex offender treatment program						
	Submit to search of person/property				Possess no sexual material						
	No contact with victim(s) and/or co-defendant(s)				No computer with access to online services						
	No entering or loitering near victim's residence				No contact with children under 18 years						
	Provide financial information				No volunteering where children supervised						
	Grant limited waiver of confidentiality				Restricted from occupation with access to children						
					No loitering within 100 feet of school yards						
OTHER:											
Fine:	\$	0.00			Restitution:	\$	0.00				
SPA:	\$	100.00 (\$100) as to each Count			Payment Schedule:	X	Due Imm.			Waived	
OTHER:											
	Advised of Right to Appeal			X	Waived Appeal Rights per Plea Agreement						
X	Held in Custody				Voluntary Surrender						
Recommended place(s) of incarceration:											
Dismissed Counts:											
OTHER COMMENTS:				Defense counsel notes errors (possible typos) on page 2 of PSR as to the immigration status & legal address. Defense requests correction of those 2 items. Probation will make corrections. Ct. accepts plea agreement. Defense makes argument for a variance & requests a sentence of 24 months. Deft							

	<p>allocutes to the Court. Govt. objects to a variance; however, recommends a sentence of 37 months. Defense replies. Bench conference held with Probation. Ct. makes findings: will grant a variance &amp; will reduce the sentence (down to 30 months) based on no felony convictions. Ct. refers to history &amp; characteristics...<b>no criminal history, family issues, specifically, mother's health, deft has wife and young child, deft was a courier; ct. notes deft's professional certification, deft had a tourist visa.</b> Govt. &amp; defense have no further comments. Ct. has reviewed the PSR factual findings &amp; has considered the sentencing guidelines &amp; the 3553 factors &amp; imposes sentence.</p>
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